

Review of the Aberdeen Problem Solving Approach

Jane Eunson and Lorraine Murray (Ipsos MORI Scotland), Professor Gill McIvor, Dr Margaret Malloch and Dr Hannah Graham (University of Stirling)

Introduction to the Aberdeen Problem Solving Approach

The Aberdeen Problem-Solving Approach (PSA) has been running in Aberdeen Sheriff Court since November 2015 (for women) and since August 2016 (for young men). In line with theory and evidence on problem-solving justice, it aims to reduce the use of short custodial sentences and reduce reoffending by combining the authority of the court with support and rehabilitative opportunities to address the underlying causes of offending. Unlike traditional problem-solving courts, which target a specific crime (e.g. domestic abuse) or problem (e.g. drug use), the Aberdeen PSA's 'specialisation' is people with a history of frequent low-level offending with multiple and complex needs. At the time of the Review, 30 women and 18 men had been admitted to the PSA.

The Review

Scottish Government commissioned Ipsos MORI Scotland and the Scottish Centre for Crime and Justice Research/University of Stirling to conduct an independent Review of the PSA between August 2017 and January 2018. The Review aimed to:

- Provide useful evidence about how the PSA is delivered and what (if anything) distinguishes it from normal sentencing procedures
- Identify areas for improvement, lessons learned and good practice that other areas could learn from
- Explore and describe the experiences of people with convictions who have been admitted to the PSA and, where possible, identify any emerging short term outcomes for PSA participants and the courts.

A mixed method approach was adopted. This involved primary qualitative research (with 11 PSA participants, 14 professionals involved in delivering the PSA and 4 wider stakeholders), 27 court observations, and secondary analysis of routinely collected monitoring data.

How problem-solving works in practice

Potential PSA participants are screened by Criminal Justice Social Work (CJSW) using lists of people released on undertakings and people subject to appear from custody. They have to meet the 10 specific eligibility criteria for the programme, which include:

- being an Aberdeen City resident
- being a female aged 16 or over, or a male aged 16-25
- having seven or more previous convictions (females)
- having seven or more previous convictions or two assault convictions (male)
- having multiple and complex needs.

Those admitted into the PSA have their sentence deferred while they engage with service providers for a specified period of time, during which they must return to court for regular judicial reviews with a dedicated sheriff.

Key distinguishing features of the PSA, compared to the way other community sentences are used in Aberdeen, include:

- **The fact that the Structured Deferred Sentence (SDS) defers sentence and is not a statutory order** - those admitted to the PSA have a SDS imposed, usually for six months initially. At each review, the sheriff takes into consideration a participant's compliance with the PSA plan and any evidence of offending and decides to: continue the SDS; end the SDS and admonish the participant; or impose an alternative sentence (usually custodial).
- **The prospect of admonition upon completion of the SDS, which may act as an incentive** - there were various reasons individuals agreed to take part in the PSA. However, for some, the primary consideration was a desire to avoid a remand in custody or a custodial sentence.
- **The allocation of both a criminal justice social worker and a support worker, and (typically) weekly appointments with each** – CJSW provide direct one-to-one work with participants and referrals to other services (e.g. housing, or withdrawal management and rehabilitation services). For some participants, the offer of support was a motivating factor for participation in the PSA and, regardless of initial reasons, some participants reported that once they began receiving support, their motivation to comply increased. The proactive support of workers meant that there was an investment and desire *'not to let them down'*.
- **Judicial supervision and multiple review hearings set at regular intervals** (typically every four weeks). This is similar to a Drug Treatment and Testing Order but unlike most CPOs.
- **Participants and professionals felt that PSA review hearings were 'more personal and motivational' than CPO reviews** - PSA reviews take place in a small room in a part of the court rarely accessed by the public. The only attendees are those participating in the proceedings. The physical layout and format of the court is moderately formal and traditional. However, the communication between people within PSA court hearings tends to be less

formal and more individualised and interactive than 'standard' court hearings. Before the review, the sheriff receives a brief update report from CJSW which is then discussed in court. The sheriff hears from the participant's defence agent, social worker and the participant themselves, about their progress since the last review and their goals over the next few weeks. The sheriff provides praise, warnings and encouragement as appropriate. **Some participants reported that the positive encouragement from the sheriff and the interaction of the reviews increased the importance of 'doing well'.**

- There was broad **consensus among professionals in Aberdeen that the PSA and its use of SDSs is more flexible than a CPO**, especially in responding to non-compliance and breach.

Emerging outcomes

Among the 35 participants whose cases had closed, 14 had completed their SDS and been admonished, two had completed their SDS but received another sentence and 19 had not completed their SDS (13 of these participants had received a custodial sentence). While this may not appear to be a high rate of successful completion, the profile of participants must be borne in mind – almost all were considered at risk of custody and faced multiple problems. The fact that over half of participants were not in custody by the end of their involvement in the PSA is very encouraging – although assessing the extent to which this is sustained would require a longer evaluation.

Furthermore, participants – including those who were back in custody – were overwhelmingly positive about the PSA's overall impact on their lives. Professionals were also very positive about the PSA overall – while acknowledging that it was less successful for those with more entrenched problems and who were not yet ready to change.

Positive outcomes self-reported by participants included: reduced reoffending, reduced substance use, improved housing situations, improved mental health and wellbeing; and improved social skills and relationships. Professionals also observed these outcomes – although, as noted above, they acknowledged that the PSA was less successful for those with more entrenched problems.

The barriers to successful completion identified by both professionals and participants were not, in the main, problems caused by the way the PSA operates. They were: the complexity of participants' problems; unstable substance use; the influence of family and associates; the intervention not coming at the right time in terms of readiness to change; and lack of access to services and support (such as housing and mental health services).

Learning and reflection

The main areas for future consideration or improvement identified in the Review were:

- **Review of the eligibility criteria** – although views were mixed as to whether the criteria should be widened to include those who were not – yet – such prolific offenders
- **Increased emphasis on exit planning** – ensuring sufficient support is in place on exit and that participants are aware of the support being offered. This will also help to mitigate the risk of up-tariffing (keeping someone on the programme for longer than their offence merits because they are perceived to be benefiting from the support).
- **A more ‘joined up approach’ across courts** – this would help to ensure that information on PSA participants who had charges called in other courts (over which the PSA had no power) is shared across courts. Currently, participants can be re-arrested on an outstanding warrant and returned to custody – even if they have been making good progress on the PSA. Sheriffs and other court professionals were working to resolve this issue.
- **Further improve communication between stakeholders** – although relationships between staff in the different partner agencies appeared to be good, there was scope to further improve communication to ensure that all stakeholders are aware of the PSA and up-to-date with any changes to it.

The Review also identified key learning points for stakeholders in other areas to consider. These included:

Setting up a problem-solving court

- **Close partnership working between different agencies** – have the ‘*right people*’ in place (i.e. those with a positive attitude towards the PSA concept) as well as regular multi-agency meetings and workshops to ensure buy-in, build relationships and resolve teething problems.
- **Allow a considerable amount of sheriff time for set-up** – the sheriff who led on the PSA set-up spent considerable time reading, attending conferences and talking to other professionals during the development of the PSA pilot.

Running a problem-solving court

- **The rapid report (produced within seven days of the offence compared to 28 days for other orders) is a key benefit of the PSA** - this enabled swift sentencing (an average of 15.5 days (for women) and 11.3 days (for men) between first calling of the case and sentencing).
- **Time-tabling participants’ monthly reviews** required considerable organisation to fit them into the court schedule and sheriffs’ rotas.

- **The fact that only those directly involved in the participant's case were present at the hearings** was very important to participants. They felt that this facilitated more open and honest discussion.
- **The PSA process can bring all outstanding charges together to be dealt with at one point**, which both professionals and PSA participants considered important. The participant could be admonished in relation to some of the charges to recognise and reward compliance, thus increasing incentives.

Making it work in a local context

- **The PSA's success is reliant on having appropriate local services to which PSA participants can be referred** - having a well-established Women's Centre in Aberdeen was considered to be hugely valuable.
- **Having a predisposal social work team based in council premises adjacent to Aberdeen Sheriff Court was beneficial** - this facilitated access to potential participants and communication among the professionals involved.
- **Consider transport issues (in relation to participants attending meetings and reviews) in rural areas** - in Aberdeen, CJSW provided participants with bus tokens to help them attend meetings and reviews.
- **Consider the resources required to deliver the PSA** – the full report details the resources utilised in operating the Aberdeen PSA.

Conclusions

The PSA in Aberdeen has been successfully implemented and is running as intended (albeit with lower numbers than were originally anticipated). Both elements – intensive support paired with accountability through court reviews – are important in supporting participants to address the causes of, and reduce, their offending.

Overall, the PSA shows promise and we recommend that Community Justice Partners in other parts of Scotland give consideration to the benefits of a problem-solving approach in Scottish courts. In doing so, the local context, in comparison with Aberdeen, should be taken into account. Given the lack of robust impact measures currently available, it will be particularly important that robust monitoring and evaluation processes are built into any new pilots, to continue to grow the Scottish evidence base.



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The Scottish Government
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Edinburgh
EH1 3DG

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